

SECTION 4: SUBDIVISION PROCEDURES

SECTION 4.01 GENERAL SUBDIVISION & PLATTING PROCEDURES

- (a) **Types of Plats Required.** A Final Plat or a Minor Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development or construction project.
- (b) **Replat.** A Replat in accordance with State Law and the provisions of Sections 4.06 and 4.07 shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property. In the case of minor revisions to recorded plats or lots, a Minor Plat or Amending Plat may also be utilized if allowed by State Law and if in accordance with Section 4.05 and Sections 4.06 and 4.08, respectively.
- (c) **Exemptions.** The following land divisions are exempt from the requirements of this Subdivision Ordinance that apply to plats:
 - (1) Use of existing cemeteries complying with all State and local laws and regulations; and
 - (2) A division of land created by order of a court of competent jurisdiction, provided however, that prior to construction of improvements, a plat meeting the requirements of this Ordinance shall be approved and recorded prior to the issuance of permits.
- (d) **Zoning.** Inside the City limits of the City, the following shall apply:
 - (1) Conformance with Existing Zoning. All applications shall be in conformance with the existing zoning on the property (if applicable).
 - (2) Request to Rezone First. If an applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an application for filing unless as otherwise provided below.
 - a. The applicant may request approval from the Director of Development Services to submit an application simultaneous with the zoning change request, in which case the application for the zoning amendment shall be acted upon first, and provided that the application is accompanied by a properly executed Waiver of Right to 30-Day Action (due to the more lengthy time frame necessary to advertise and process zoning applications).
 - b. In the event that the requested zoning amendment is denied, the application shall also be rejected or denied.
 - (3) Site Plan Approval. Where Site Plan approval is required by the Zoning Ordinance prior to development, no application for a Final Plat approval shall be accepted for filing until a Preliminary Site Plan has been approved for the land subject to the proposed plat.

(e) **General Stages of Plat Approval & Staff Review.**

- (1) Two-Stage Process. The platting process typically involves two approval stages: Submission and approval of a Preliminary Plat (refer to Section 4.02), and subsequent submission and approval of a Final Plat (refer to Section 4.03). However:
 - a. An applicant may proceed with a Final Plat without an approved Preliminary Plat whenever:
 1. A Minor Plat (Section 4.05) is submitted; or
 2. A Preliminary Site Plan for a multi-family, single-family attached or nonresidential development is submitted and approved in accordance with the Zoning Ordinance.
 - b. An applicant may submit Construction Plans and a Final Plat simultaneously in lieu of a Preliminary Plat if an Improvement Agreement and appropriate surety (see Section 5.04) are submitted along with the application.
- (2) Staff Review. Unless otherwise specified under the regulations for a specific type of plat:
 - a. The Director of Development Services shall be the responsible official for a plat, and shall be responsible for the initial review of a plat for conformance with this Subdivision Ordinance and any other applicable ordinances of the City.
 - b. The Director of Development Services, and/or other City staff at the direction of the Director of Development Services, shall review all applications for completeness (refer to Section 3.01) based on a checklist supplied by Development Services.
 - c. The Director of Development Services, and/or other City staff at the direction of the Director of Development Services, shall then review all applications that are deemed complete for conformance with this Subdivision Ordinance and with other applicable City regulations.

SECTION 4.02 PRELIMINARY PLATS

- (a) **Purpose.** The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Subdivision Ordinance.
- (b) **Exceptions.**
 - (1) A Preliminary Plat is not required when a Minor Plat is submitted (refer to Section 4.05).
 - (2) A Final Plat in accordance with Section 4.03, along with Construction Plans in accordance with Section 5.01, may be submitted in lieu of a Preliminary Plat if an Improvement Agreement and appropriate surety (see Section 5.04) are submitted along with the application.
- (c) **Accompanying Applications.**
 - (1) An application for a Preliminary Plat shall be accompanied by a Preliminary Drainage Plan, a Preliminary Utility Plan, and other plans if deemed necessary for thorough review by the

Director of Development Services or the Director of Engineering Services. However, approval of each shall be separate and in accordance with this Section 4.02 for Preliminary Plats and with Section 5.01 for Construction Plans.

- (2) The applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Preliminary Plat.

(d) Review by Director of Development Services. The Director of Development Services shall:

- (1) Initiate review of the plat and materials submitted (including the required Preliminary Drainage Plan and Preliminary Utility Plan).
- (2) Request written comments from other City departments, such as Engineering Services, Fire Department, Public Works, Parks and Recreation, if deemed necessary.
- (3) Make available plats and reports to the Commission for review.
- (4) Upon determination that the application is ready to be acted upon, schedule the Preliminary Plat for consideration on the agenda of the next available meeting of the Planning & Zoning Commission.

(e) Action by Planning & Zoning Commission. The Commission shall:

- (1) Review the Preliminary Plat application, the findings of the Director of Development Services, and any other information available. From all such information, the Commission shall determine whether the Preliminary Plat conforms to the regulations of this Subdivision Ordinance.
- (2) Act within thirty (30) calendar days following the official filing date of the Preliminary Plat application (unless the applicant submits a Waiver of Right to 30-Day Action as outlined in Section 3.03(e)). If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Preliminary Plat, as submitted, shall be deemed to be approved.
- (3) Take one of the following actions:
 - a. Approve the Preliminary Plat;
 - b. Approve the Preliminary Plat with conditions, which shall mean that the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled; or
 - c. Deny the Preliminary Plat.

(f) Criteria for Approval. The following criteria shall be used by the Commission to determine whether the application for a Preliminary Plat shall be approved, approved with conditions, or denied:

- (1) The Preliminary Plat is consistent with all zoning requirements for the property, including any applicable Planned Development zoning standards, and with any approved Improvement Agreement if applicable;

- (2) The proposed provision and configuration of public improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, easements and rights-of-way are adequate to serve the development, meet applicable standards of this Subdivision Ordinance, and conform to the City's adopted master plans for those facilities;
 - (3) The Preliminary Plat is in accordance with the City's interlocal agreements with Collin and Denton Counties if the proposed development is located in whole or in part in the ETJ of the City;
 - (4) The Preliminary Plat has been duly reviewed by applicable City staff;
 - (5) The Preliminary Plat conforms to design requirements and construction standards as set forth in the *Engineering Design Standards and Construction Details*; and
 - (6) The Preliminary Plat is consistent with the adopted Comprehensive Plan, except where application of the Plan may conflict with State law (e.g., land use in the ETJ).
 - (7) The proposed development represented on the Preliminary Plat does not endanger public health, safety or welfare.
- (g) **Effect of Approval.** The approval of a Preliminary Plat shall allow the applicant to proceed with the development and platting process by submitting Construction Plans (Section 5.01) and a Final Plat (Section 4.03). Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of Construction Plans or a Final Plat.

(h) **Appeal of the Decision on a Preliminary Plat Application.**

- (1) Initiation of an Appeal. The applicant or no less than four (4) voting members of City Council may appeal the decision of the Commission by submitting a written notice of appeal to the Director of Development Services within fourteen (14) calendar days following the date of the Commission's decision.
 - a. For a City Council-initiated appeal, the Council shall consider and act on whether it will appeal the Commission's decision at its first regular meeting (for which there is time to include such appeal on its posted agenda, as required by State law) that occurs after the Commission meeting at which the decision was made.
 - b. Written notice of the City Council's vote to appeal shall be submitted to the Director of Development Services within seven (7) calendar days following the City Council's vote to appeal the decision.
 - c. For an applicant-initiated appeal, a letter stating the reasons for the appeal, citing the specific applicable section(s) of the Subdivision Ordinance, shall be submitted by the applicant.
 - d. The Director of Development Services may, on his/her own initiative, appeal the decision of the Commission by scheduling an appeal on the City Council's next regular meeting (for which there is time to include such appeal on its posted agenda as required by State law) that occurs after the Commission meeting at which the decision was made.

- (2) Council Decision. The City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the Director of Development Services. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.

(i) **Expiration.**

- (1) Two-Year Validity. The approval of a Preliminary Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the applicant shall submit and receive approval for Construction Plans and a Final Plat for the land area shown on the Preliminary Plat. If Construction Plans and a Final Plat application have not been approved within the two (2)-year period, the Preliminary Plat shall expire.
- (2) Phased Developments - Partial Construction Plans & Final Plat. If Construction Plans and a Final Plat for only a portion of the land area shown on the Preliminary Plat are approved by the end of the two (2)-year period, the Preliminary Plat for the remainder of the land not included on the Construction Plans or Final Plat shall expire on such date.
- (3) Relationship to Construction Plans. A Preliminary Plat shall remain valid for the period of time in which approved Construction Plans are valid.
- (4) Action on Final Plat. Should a Final Plat application be submitted within the two (2)-year period, but not be acted upon by the Commission within the two (2)-year period, the Preliminary Plat shall expire unless an extension is granted as provided in Section 4.02(j).
- (5) Void If Not Extended. If the Preliminary Plat is not extended as provided in Section 4.02(j), it shall expire and shall become null and void.

- (j) **Extension.** A Preliminary Plat may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's expiration date. A request for extension shall be submitted to Development Services in writing at least thirty (30) calendar days prior to expiration of the Preliminary Plat, and shall include reasons why the Plat should be extended.

(1) Decision by the Director of Development Services.

- a. The Director of Development Services will review the extension request and shall approve it, approve it with conditions, or deny the extension request within thirty (30) calendar days following the official filing date of the request.
- b. Should the Director of Development Services fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

(2) Considerations. In considering an extension, the Director of Development Services shall consider whether the following conditions exist:

- a. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
- b. Construction Plans have been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
- c. Construction is occurring on the subject property;
- d. The Preliminary Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or



- e. If there is a need for a park, school or other public facility or improvement on the property.
- (3) Conditions. In granting an extension, the decision-maker may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the applicant waiving any vested rights.
- (4) Appeal of Denial for Extension.
 - a. Appeal of the Director's Decision. The denial of an extension by the Director of Development Services may be appealed to the Commission. A written request for such appeal shall be received by Development Services within fourteen (14) calendar days following the denial. The Commission shall hear and consider such an appeal within thirty (30) calendar days following Development Services' receipt of the appeal request.
 - b. Appeal of the Commission's Decision. The denial of an extension by the Commission may be appealed to the City Council. A written request for such appeal shall be received by the Director of Development Services within fourteen (14) calendar days following the denial. The City Council shall hear and consider such an appeal within thirty (30) calendar days following Development Services' receipt of the appeal request. The decision of the City Council is final.

(k) Amendments to Preliminary Plat Following Approval.

- (1) Minor Amendments. Minor amendments to the design of the subdivision subject to an approved Preliminary Plat may be incorporated in an application for approval of a Final Plat without the necessity of filing a new application for re-approval of a Preliminary Plat. Minor amendments may only include minor adjustments in street or alley alignments, lengths and paving details, and minor adjustments to lot lines that do not result in creation of additional lots or any non-conforming lots (such as to Zoning standards), provided that such amendments are consistent with applicable approved prior applications.
- (2) Major Amendments. All other proposed changes to the design of the subdivision subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Plat (including new fees, new reviews, new official filing date, etc.) before approval of Construction Plans and/or a Final Plat.
- (3) Determination. The Director of Development Services shall make a determination of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.

SECTION 4.03 FINAL PLATS

- (a) **Purpose.** The purpose of a Final Plat is to ensure that the proposed subdivision and development of the land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.
- (b) **Exceptions.** A Final Plat is not required when a Minor Plat is submitted (refer to Section 4.05).
- (c) **Ownership.**
 - (1) The applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.
 - (2) The Final Plat shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the Final Plat. Such consent shall be subject to review and approval by the City Attorney, and the applicant shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Final Plat.
- (d) **Complete Applications for Final Plats in the Extraterritorial Jurisdiction (ETJ).** Where the land to be platted lies within the ETJ of the City in a county with which the City has an interlocal agreement under Texas Local Government Code, Chapter 242, a complete application shall be submitted to the City.
- (e) **Accompanying Applications.** An application for a Final Plat may be accompanied by Construction Plans if also accompanied by an Improvement Agreement and appropriate surety in accordance with Section 5.04. However, approval of each shall be separate and in accordance with this Section 4.03 for Final Plats and with Section 5.01 for Construction Plans.
- (f) **Prior Approved Preliminary Plat.** The Final Plat and all accompanying data shall conform to the Preliminary Plat as approved by the Commission, or as the Preliminary Plat may have been amended subsequently (Section 4.02(k)), if applicable, incorporating all conditions imposed or required by the Commission, if applicable.
- (g) **Review by Director of Development Services.** The Director of Development Services shall:
 - (1) Initiate review of the plat and materials submitted.
 - (2) Request written comments from other City departments, such as Engineering Services, Fire Department, Public Works and Parks & Recreation, if deemed necessary.
 - (3) Make available plats and reports to the Commission for review.
 - (4) Upon determination that the application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Commission.

(h) **Action by Planning & Zoning Commission.** The Commission shall:

- (1) Review the Final Plat application, the findings of the Director of Development Services, and any other information available. From all such information, the Commission shall determine whether the Final Plat conforms with the regulations of this Subdivision Ordinance.
- (2) Act within thirty (30) calendar days following the official filing date of Final Plat (unless the applicant submits a Waiver of Right to 30-Day Action as outlined in Section 3.03(e)). If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved.
- (3) Take one of the following actions:
 - a. Approve the Final Plat;
 - b. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled; or
 - c. Deny the Final Plat.

(i) **Criteria for Approval.** The following criteria shall be used by the Commission to determine whether the application for a Final Plat shall be approved, approved with conditions, or denied:

- (1) Prior Approved Preliminary Plat.
 - a. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under Section 4.02(k) and that may be approved without the necessity of revising the approved Preliminary Plat;
 - b. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied;
 - c. The Construction Plans conform to the requirements of Section 5.01 and have been approved by the Director of Engineering Services;
 - d. Where public improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the Director of Engineering Services;
 - e. Where the Director of Engineering Services has authorized public improvements to be deferred, an Improvement Agreement has been executed and submitted by the property owner in conformity with Section 5;
 - f. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance;
 - g. The Final Plat meets all applicable County standards to be applied under an interlocal agreement between the City and the County under Texas Local Government Code, Chapter 242, where the proposed development is located in whole or in part in the ETJ of the City and in the applicable County;
 - h. The plat conforms to design requirements and construction standards as set forth in the *Engineering Design Standards and Construction Details*; and

- i. The plat conforms to the Development Services' subdivision application checklists.
- (2) No Prior Approved Preliminary Plat.
 - a. The Final Plat conforms to all criteria for approval of a Preliminary Plat;
 - b. The Construction Plans conform to the requirements of Section 5.01 and have been approved by the Director of Engineering Services;
 - c. An Improvement Agreement or surety for installation of public improvements have been prepared and executed by the property owner in conformance with Section 5;
 - d. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance;
 - e. The Final Plat meets all applicable County standards to be applied under an interlocal agreement between the City and the County under Texas Local Government Code, Chapter 242, where the proposed development is located in whole or in part in the ETJ of the City and in the applicable County; and
 - f. The Final Plat conforms to the Development Services' application checklist.
- (j) **Procedures for Recordation Upon Approval.** The applicant shall supply to Development Services the required number of signed and executed copies of the Final Plat that will be needed to file the Plat, upon approval, at the applicable County (in the County's required format) at least seven (7) calendar days prior to the Planning & Zoning Commission meeting at which it will be considered for approval.
 - (1) General.
 - a. Signatures. After approval of the Final Plat, the Director of Development Services shall procure the appropriate City signatures on the Final Plat.
 - b. Recording Upon Performance. The Final Plat shall be recorded after:
 - 1. The Final Plat is approved by the City;
 - 2. All required public improvements have been completed and accepted by the City (or an Improvement Agreement has been executed and appropriate surety provided in accordance with Section 5.04);
 - 3. All County filing requirements are met.
 - (2) Submittal of Final Plat Where Improvements Installed. Where all required public improvements have been installed prior to recording of the Final Plat, the applicant shall meet all requirements in accordance with Section 5.
 - (3) Submittal of Final Plat Where Improvements Have Not Been Installed. Where some of or all required public improvements are not yet completed in connection with an approved Final Plat, the applicant shall submit the Final Plat as approved by the Commission, revised to reflect any conditions imposed by the Commission as part of approval.
 - (4) Update of Proof of Ownership. If there has been any change in ownership since the time of the Proof of Ownership provided under Section 4.03(c), the applicant shall submit a new consent agreement executed by each owner consenting to the platting of the property and the dedications and covenants contained in the plat. The title commitment or title opinion



letter and consent agreement shall be subject to review and approval by the City Attorney, and the applicant shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Final Plat.

(k) **Effect of Approval.** The approval of a Final Plat:

- (1) Supersedes any prior approved Preliminary Plat for the same land.
- (2) Authorizes the applicant to install any improvements in public rights-of-way in conformance with approved Construction Plans and under an Improvement Agreement (refer to Section 5), if applicable,
- (3) Authorizes the applicant to seek Construction Release (refer to Section 5.01(ii)) and/or issuance of a Building Permit.

(l) **Appeal of Decision of Final Plat Application.** Appeal of a decision on a Final Plat application shall be as outlined in Section 4.02(h).

(m) **Revisions Following Recording/Recordation.** Revisions may only be processed and approved as a Replat or Amending Plat, as applicable.

SECTION 4.04 CONVEYANCE PLATS

(a) **Purpose.** The purpose of a Conveyance Plat is to subdivide land and to provide for recordation of same, for the purpose of conveying (i.e., selling) the property without developing it. A Conveyance Plat may be used to convey the property or interests therein; however, a Conveyance Plat does not constitute approval for any type of development on the property. A Conveyance Plat is an interim step in the subdivision and development of land.

(b) **Applicability.** A Conveyance Plat may be used in lieu of a Final Plat to record the subdivision of property in the following instances:

- (1) To record the remainder of a tract that is larger than five (5) acres, and that is created by the final platting of a portion of the property, provided that the remainder is not intended for immediate development.
- (2) To record the subdivision of property into parcels, five (5) acres or smaller in size, that are not intended for immediate development, provided all required public improvements exist to the City's current standards prior to approval and minimum frontage requirements are met. All public rights-of-way must be dedicated and all abutting streets and utilities must be installed and accepted by the City. Installation of on-site improvements may be delayed if development of other tracts is not affected.

(c) **Review and Consideration.** Unless otherwise specified within this Section 4.04 for specific requirements for a Conveyance Plat, a Conveyance Plat shall be processed and approved using the same timing and procedures, including recordation, as specified for a Final Plat; refer to Section 4.03. Procedures to appeal a decision on a Conveyance Plat shall also be processed and considered the same as a Final Plat (Section 4.03).

- (d) **Subsequent Filing of a Final Plat.** No Final Plat processed and approved in association with a Conveyance Plat shall be filed without the concurrent or prior filing of the associated approved Conveyance Plat for the remainder of the subject property.
- (e) **Conveyance Plat Requirements.**
- (1) No building or development permits shall be issued nor permanent utility service provided for land that has only received approval as a Conveyance Plat; a Final Plat must be filed for building and development permits and for utility service. Notwithstanding the above, the Chief Building Official may authorize temporary building permits, temporary occupancy permits, and temporary utility service.
 - (2) A Conveyance Plat may be superseded by a revised Conveyance Plat or a Final Plat in total or in part through compliance with the procedures and requirements of this Ordinance.
- (f) **Standards for Approval.**
- (1) Access – All lots created by a Conveyance Plat shall have frontage and access to an existing or proposed public street, defined on the Major Thoroughfare Plan, or an existing standard street meeting City construction standards and accessing the existing City street system. All lots created by a Conveyance Plat shall provide points of access as required by the Zoning Ordinance and/or by this Ordinance.
 - (2) Dedication of Rights-of-Way – Dedication of rights-of-way shall be required in accordance with the City's *Thoroughfare and Circulation Design Requirements*.
- (g) **Effect of Approval.** The approval of a Conveyance Plat authorizes conveyance of the lot(s) created thereon, but does not authorize any type of development on the property. The applicant and future owner(s) of the property remain obligated to comply with all provisions in this Ordinance upon future development of the property including, but not limited to, all requirements for platting, required public improvements, utility extensions, street improvements or assessments, right-of-way and easement dedications, and all other requirements in this Ordinance.

SECTION 4.05 MINOR PLATS

- (a) **Purpose.** The purpose of a Minor Plat is to simplify divisions of land under certain circumstances outlined in State law.
- (b) **Applicability.** An application for approval of a Minor Plat may be filed only in accordance with State law, when all of the following circumstances apply:
- (1) The proposed division results in four (4) or fewer lots;
 - (2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Subdivision Ordinance; and
 - (3) Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.



- (c) **Application Requirements.** The requirements for the submittal of a Minor Plat shall be the same as the requirements for a Final Plat, as outlined in Section 4.03.
- (d) **Review by Director of Development Services.** The Director of Development Services shall:
 - (1) Initiate review of the plat and materials submitted.
 - (2) Request written comments from other City departments, such as Engineering Services, Fire Department, Public Works and Parks & Recreation, if deemed necessary.
- (e) **Action by Director of Development Services.** The Director of Development Services shall:
 - (1) Determine whether the Minor Plat meets the regulations of this Subdivision Ordinance.
 - (2) Act within thirty (30) calendar days following the official filing date of a completed application for a Minor Plat (unless the applicant submits a Waiver of Right to 30-Day Action as outlined in Section 3.03(e)). If no decision is rendered by the Director of Development Services, or if the Director has not deferred the application to the Planning & Zoning Commission for decision, within the thirty (30) day period described above or such longer period as may have been agreed upon, the Minor Plat, as submitted, shall be deemed to be approved.
 - (3) Take one of the following actions:
 - a. Approve the Minor Plat;
 - b. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled; or
 - c. Defer the Minor Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with Section 3.03(e).
- (f) **Criteria for Approval.** The following criteria shall be used by the Director of Development Services to determine whether the application for a Minor Plat shall be approved, approved with conditions, or denied:
 - (1) The Minor Plat is consistent with all zoning requirements for the property (if applicable), any approved Improvement Agreement (if applicable), and all other requirements of this Subdivision Ordinance that apply to the plat;
 - (2) All lots to be created by the plat already are adequately served by improved public street access and by all required City utilities and services and by alleys, if applicable;
 - (3) The ownership, maintenance and allowed uses of all designated easements have been stated on the Minor Plat; and
 - (4) Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
- (g) **Procedures for Recordation Following Approval.** The procedures for recordation of a Minor Plat shall be the same as the procedures for recordation of a Final Plat, as outlined in Section 4.03.

(h) **Appeal of Decision on Minor Plat Application.**

- (1) Commission Decision. If the Director of Development Services defers the Minor Plat application to the Planning & Zoning Commission, the Commission shall consider the application at a regular meeting no later than thirty (30) calendar days after the date on which the Director of Development Services deferred the application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:
 - a. Approve the Minor Plat;
 - b. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled; or
 - c. Deny the Minor Plat.
- (2) Appeal. The decision of the Commission may be appealed to the City Council in accordance with the procedures for an appeal on a Final Plat decision, which are outlined in Section 4.03. The City Council decision is final.

- (i) **Revisions Following Approval.** Revisions may only be processed and approved as a Replat or Amending Plat, as applicable.

SECTION 4.06 REPLATS AND AMENDING PLATS – GENERAL REQUIREMENTS

(a) **Applicability and Terminology.**

- (1) The procedures outlined in this Section and in subsequent Sections 4.07, 4.08 and 4.09 shall apply only if a property owner seeks to change any portion of a plat that has been filed of record with the appropriate County.
- (2) The term "Replat" includes changes to a recorded final plat, whether the change is effected by replatting without vacation (Section 4.07), replatting by vacating the recorded plat and approving a new application (Section 4.09), or approving an Amending Plat (Section 4.08).

- (b) **City Action Required.** Unless otherwise specified, any change to a recorded plat shall be subject to approval by the Commission.

- (c) **Construction Management.** If the subdivision as replatted requires construction of additional improvements, the provisions of Section 5 shall apply. If the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no Construction Plans shall be required.

- (d) **Application and Approval Procedures.** Unless otherwise specified, application and all related procedures and approvals, including recordation, for a Replat or Amending Plat shall be the same as specified for a Final Plat, as outlined in Section 4.03.



SECTION 4.07 REPLATS

- (a) **Purpose & Applicability.** A Replat of all or a portion of a recorded plat may be approved in accordance with State law without vacation of the recorded plat, if the Replat:
- (1) Is signed and acknowledged by only the owners of the property being replatted;
 - (2) Is approved after a public hearing; and
 - (3) Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.
- (b) **General Notice and Hearing Requirements.** Published notice of the public hearing on the Replat application shall be given in accordance with Section 3.05 and State law, if applicable (also see specific notice and hearing requirements for special replats in Section 4.07(d)(3)). The public hearing shall be conducted by the Commission.
- (c) **Partial Replat Application.** If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.
- (d) **Special Replat Requirements.**
- (1) **Applicability.** A Replat without vacation of the preceding plat, in accordance with State law, must conform to the requirements of this Section 4.07(d) if:
 - a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
 - b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
 - (2) **Exception.** The requirements of this Section 4.07(d) shall not apply to any approval of a Replat application for a portion of a recorded plat if all of the proposed area sought to be replatted was designated or reserved for usage other than for single- or duplex-family residential usage. Such designation must be noted on the recorded plat or in the legally recorded restriction applicable to such plat.
 - (3) **Notice and Hearing.** Notice of the required public hearing shall be given before the fifteenth (15th) calendar day before the date of the hearing by:
 - a. Publication in an official newspaper or a newspaper of general circulation in the applicable City or unincorporated area (as applicable) in which the proposed replat property is located; and
 - b. By written notice, with a copy of Section 212.015(c) of the Texas Local Government Code (as amended) attached, forwarded by the City to the owners of lots that are in the original subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the

case of a subdivision within the ETJ, the most recently approved applicable county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.

- (4) **Protest.** If the Replat application is accompanied by a Waiver petition (per Section 9.01) and is protested in accordance with this Section 4.07(d)(4), approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Commission present at the meeting. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the Replat application and extending two hundred feet (200') from that area, but within the original subdivision, must be filed with the Commission prior to the close of the public hearing. The area of streets and alleys shall be included in the area computations.
- (e) **Review and Consideration.** The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat (except for the public hearing and notice requirements described in Section 4.07(d)(3)), which are outlined in Section 4.03. The Director of Development Services shall be the responsible official and the Commission shall be the initial decision-maker for a Replat application. Procedures to appeal a decision on a Replat shall also be processed and considered the same as a Final Plat (Section 4.03).
- (f) **Effect.** Upon approval and recording of the Replat, it is controlling over the previously recorded plat for the portion replatted.

SECTION 4.08 AMENDING PLATS

- (a) **Purpose.** The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of State law.
- (b) **Applicability.** The procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following:
- (1) Correct an error in a course or distance shown on the preceding plat;
 - (2) Add a course or distance that was omitted on the preceding plat;
 - (3) Correct an error in a real property description shown on the preceding plat;
 - (4) Indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - (6) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (7) Correct an error in courses and distances of lot lines between two adjacent lots if:

- a. Both lot owners join in the application for amending the plat;
 - b. Neither lot is abolished;
 - c. The amendment does not attempt to remove recorded covenants or restrictions;
and
 - d. The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- (8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9) Relocate one or more lot lines between one or more adjacent lots if:
 - a. The owners of all those lots join in the application for amending the plat;
 - b. The amendment does not attempt to remove recorded covenants or restrictions;
and
 - c. The amendment does not increase the number of lots;
- (10) Make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - a. The changes do not affect applicable zoning and other regulations of the municipality;
 - b. The changes do not attempt to amend or remove any covenants or restrictions; and
 - c. The area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
- (11) Replat one or more lots fronting on an existing street if:
 - a. The owners of all those lots join in the application for amending the plat;
 - b. The amendment does not attempt to remove recorded covenants or restrictions;
 - c. The amendment does not increase the number of lots; and
 - d. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (c) **Certificates of Correction.** Certificates of Correction are prohibited.
- (d) **Notice.** In accordance with State law, the approval and issuance of an Amending Plat shall not require notice, hearing or approval of other lot owners.
- (e) **Review by Director of Development Services.** The Director of Development Services shall:
 - (1) Initiate review of the plat and materials submitted.
 - (2) Request written comments from other City departments, such as Engineering Services, Fire Department, Public Works and Parks & Recreation, if deemed necessary.

(f) **Action by Director of Development Services.** The Director of Development Services shall:

- (1) Determine whether the Amending Plat meets the regulations of this Subdivision Ordinance.
- (2) Act within thirty (30) calendar days after the application is deemed complete per Section 3.03(g)
- (3) Take one of the following actions:
 - a. Approve the Amending Plat;
 - b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled; or
 - c. Defer the Amending Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with Section 3.03(e).

(g) **Procedures for Recordation Following Approval.** The procedures for recordation of an Amending Plat shall be the same as the procedures for recordation of a Final Plat, as outlined in Section 4.03.

(h) **Effect.** Upon approval, an Amending Plat shall be recorded and is controlling over the previously recorded plat without vacation of that plat.

(i) **Appeal of Decision on Amending Plat Application.**

- (1) Commission Decision. If the Director of Development Services defers the Amending Plat application to the Planning & Zoning Commission, the Commission shall consider the application at a regular meeting no later than thirty (30) calendar days after the date on which the Director of Development Services deferred the application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:
 - a. Approve the Amending Plat;
 - b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled; or
 - c. Deny the Amending Plat.
- (2) Appeal. The decision of the Commission may be appealed to the City Council in accordance with the procedures for an appeal on a Final Plat decision, which are outlined in Section 4.03. The City Council decision is final.



SECTION 4.09 PLAT VACATION

- (a) **Purpose.** The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of State law.
- (b) **Initiation of a Plat Vacation.**
- (1) **By Property Owner.** The property owner of the tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold.
 - (2) **By All Lot Owners.** If lots in the plat have been sold, an application to vacate the plat must be submitted by all the owners of lots in the plat.
 - (3) **City Council.** If the City Council, on its own motion, determines that the plat should be vacated in the interest of and to protect the public's health, safety and welfare; and:
 - a. No lots within the approved plat have been sold within five (5) years following the date that the Final Plat was approved by the City; or
 - b. The property owner has breached an Improvement Agreement, and the City is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; or
 - c. The plat has been of record for more than five (5) years, and the City Council determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.
- (c) **Notice.** Published notice of the public hearing on the Plat Vacation application shall be given in accordance with Section 3.05 and State law. The hearing shall be conducted by the City Council.
- (d) **Review by Director of Development Services.** The Director of Development Services shall:
- (1) Initiate review of the Plat Vacation application and materials submitted.
 - (2) Request written comments from other City departments, such as Engineering Services, Fire Department, Public Works and Parks & Recreation, if deemed necessary.
- (e) **Action by the City Council.** The City Council shall:
- (1) Review the Plat Vacation application, the findings of the Director of Development Services, and any other information available. From all such information, the City Council shall make a finding as to whether or not the plat should be vacated. The City Council's decision on a Plat Vacation shall be final.
 - (2) Take one of the following actions:
 - a. Approve the Plat Vacation;
 - b. Approve the Plat Vacation with conditions, which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled; or
 - c. Deny the Plat Vacation.

- (f) **Procedures for Recordation Following Approval.** If the City Council adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's Office. If the City Council adopts a resolution vacating a plat in part, it shall cause a revised Final Plat to be recorded along with the resolution which shows that portion of the original plat that has been vacated and that portion that has not been vacated.
- (g) **Effect.**
- (1) On the execution and recording of the vacating instrument, the previously filed plat shall have no effect. Regardless of the City Council's action on the petition, the property owner(s) or developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the City Council.
 - (2) The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
 - (3) The City Council, at its discretion, shall have the right to retain all or specific portions of road rights-of-way or easements shown on the plat being considered for vacation. However, the City Council shall consider plat vacation upon satisfactory conveyance of easements and/or rights-of-way in a separate legal document using forms provided by the City Attorney's office.



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